UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

ALLIANZ GLOBAL RISKS US INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.,	)	
Plaintiff,	)	No.: 07 C 7149
v.	)	Honorable: Samuel Der-Yeghiayan
NOVAK CONSTRUCTION,	)	
Defendant.	)	

JOINT INITIAL STATUS REPORT

NOW COME Plaintiff, ALLIANZ GLOBAL RISKS US INSURANCE COMPANY (hereinafter "Allianz"), as subrogee of Buffets Holdings, Inc. (hereinafter "Buffets"), and NOVAK CONSTRUCTION, by and through their attorneys, MELINDA A. DAVIS and CHRISTINA L. PAWLOWSKI of DENENBERG TUFFLEY, PLLC, and TIMOTHY R. COUTURE and MICHAEL J. LINNEMAN of JOHNSON & BELL, LTD. and state the following as their Joint Initial Status Report.

I. NATURE OF CLAIMS AND COUNTERCLAIMS

Plaintiff asserted a claim for negligence against Novak Construction, arising from damage sustained during a March 12, 2006 fire at the Old Country Buffet located at 445 East Palatine Road in Arlington Heights, Illinois. Plaintiff alleges that Novak was negligent in removing a sign on the Old Country Buffet premises, leading to the fire. Novak denies that it removed the subject sign, denies that any of its subcontractors removed the sign, and denies that it was negligent in any way. No counterclaim or third-party complaints have been filed at this time. However, Defendant anticipates that within 21 days it will seek leave to file Third Party Complaints against the following parties: Keiffer & Co.; Arrow Electric; and Restaurant Specialty Construction. Said counterclaims will assert that one, some or all of these Third Party Defendants were responsible for the sign removal, improper electrical work, and the fire.

II. RELIEF SOUGHT BY PLAINTIFF

Plaintiff is seeking damages in the amount of $176,628.95. Of this amount, $94,262.75 is for repairs to the building, $23,560 is for loss of personal property and $33,806.20 is for business interruption.

III. NAMES OF PARTIES NOT SERVED

The only Defendant, Novak Construction, has been served.

IV. PRINCIPAL LEGAL ISSUES

Liability and nature and extent of Plaintiff's damages.

V. PRINCIPAL FACTUAL ISSUES

The principal factual issues are liability and extent of Plaintiff's damages. Defendant has denied liability and denied that Plaintiff suffered damages to the extent alleged. Specifically at issue is the role of Novak Construction, if any, in the remodeling/construction work done at the Old Country Buffet, including removal of a neon sign, and/or the supervision and/or direction of other contractors regarding the removal of the sign.

VI. LIST OF PENDING MOTIONS AND BRIEF SUMMARY OF BASES FOR MOTIONS

There are no motions pending at this time.

VII. DESCRIPTION OF DISCOVERY REQUESTED AND EXCHANGED

At this time, discovery has not been exchanged.

VIII. TYPE OF DISCOVERY NEEDED

The parties anticipate completing initial written discovery, followed by 5 – 10 depositions.

IX. PROPOSED DATES:

A. RULE 26(A)(1) DISCLOSURES: April 15, 2008

B. **FACT DISCOVERY COMPLETION:** September 15, 2008

C. EXPERT DISCOVERY COMPLETION: November 15, 2008

D. EXCHANGE EXPERT REPORTS: December 15, 2008

E. FILING OF DISPOSITIVE MOTIONS: January 15, 2008

F. FILING OF A FINAL PRETRIAL ORDER: March 15, 2008

X. ESTIMATION OF WHEN THE CASE WILL BE READY FOR TRIAL

April 2009

XI. PROBABLE LENGTH OF TRIAL

4 – 5 days

XII. REQUEST FOR A JURY TRIAL

A jury trial has been requested.

XIII. SETTLEMENT DISCUSSIONS

Plaintiff submitted a demand to Defendant's insurance carrier prior to filing suit, but did not receive a response.

XIV. CONSENT TO PROCEED BEFORE A MAGISTRATE

The parties consent to proceed before a Magistrate Judge for the purpose of discovery supervision only.

Respectfully submitted,

ALLIANZ GLOBAL RISKS US INSURANCE COMPANY, as subrogee of Buffets Holdings, Inc.,

Dated: 3/14/08

By: /s/Christina Pawlowski
Christina L. Pawlowski
One of its attorneys

NOVAK CONSTRUCTION

Dated: 3/14/08

By: /s/Timothy R. Couture
Timothy Couture
One of its attorneys

Melinda A. Davis
Christina L. Pawlowski
Denenberg Tuffley, PLLC
21 E. Long Lake Rd.
Suite 200
Bloomfield Hills, MI 48304
Direct Dial: (248) 203-2763
Main: (248) 549-3900
Fax: (248) 593-5808

and

Megan Ritenour
Matthew Ponzi
Foran Glennon Palandech & Ponzi, Ltd.
150 South Wacker Drive
Suite 1100
Chicago, Illinois 60606
(312) 863-5000

CERTIFICATE OF SERVICE

I certify that on March 14, 2008 I electronically filed **Joint Initial Status Report** with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: Melinda A. Davis Christina L. Pawlowski

Dated: 3/14/08

By: /s/Tiomthy R. Couture
Timothy R. Couture, Attorney for Defendant

Timothy R. Couture
Michael J. Linneman
Johnson & Bell, Ltd.
33 West Monroe Street,
Suite 2700
Chicago, IL 60603
Phone: 312.372.0770
Fax: 312.372.9818

Buffets Holdings - Joint Initial Status Report (00177933)